

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALDRICH HACKETT,	§	
	§	No. 463, 2008
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 9607013263
Appellee.	§	

Submitted: November 19, 2008

Decided: January 30, 2009

Before **HOLLAND, BERGER** and **JACOBS**, Justices.

ORDER

This 30th day of January 2009, upon consideration of the appellant’s opening brief and the State’s motion to affirm, it appears to the Court that:

(1) The appellant, Aldrich Hackett, filed this appeal from the Superior Court’s decision of August 21, 2008 that denied his motion for postconviction relief pursuant to Superior Court Criminal Rule 61 (“Rule 61”). The State of Delaware has filed a motion to affirm the Superior Court’s judgment on the ground that it is manifest on the face of Hackett’s opening brief that the appeal is without merit.¹ We agree and affirm.

¹ Del. Supr. Ct. R. 25(a).

(2) In March 1998, a Superior Court jury convicted Hackett of felony murder, robbery, conspiracy and three weapons offenses. On direct appeal, this Court affirmed Hackett's convictions.²

(3) In May 2008, Hackett filed a motion for postconviction relief. By decision dated August 21, 2008, the Superior Court denied Hackett's motion on the basis that it was untimely under Rule 61(i)(1) and was not subject to the Rule 61(i)(5) exception to the procedural bar.³

(4) After careful consideration of Hackett's opening brief and the State's motion to affirm, we have concluded that the judgment of the Superior Court should be affirmed on the basis of, and for the reasons set forth in, the Superior Court's decision of August 21, 2008. Hackett's postconviction motion, and the claims therein, coming more than eight years after his conviction became final, were appropriately denied as procedurally barred without exception.

NOW, THEREFORE, IT IS ORDERED that the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice

² *Hackett v. State* 1999 WL 624108 (Del. Supr.).

³ *State v. Hackett*, 2008 WL 3906753 (Del. Super.).